

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Augusta, Maine
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pality shall issue a warrant with the names and addresses of all owners or keepers of unlicensed dogs to one or more police officers, constables, sheriffs or animal control officers, directing them to send a notice of violation to the last known address of the owners or keepers or call on the owners or keepers. The warrant must further direct that demand be made on the owners or keepers to obtain a license from the municipal clerk within 7 days from the date of demand and remit to the clerk the license and recording fees plus a late fee of ~~\$3~~ \$10 for each dog that is licensed. ~~If the license and recording fees are remitted after the 7 day period, the owners or keepers must remit a late fee of \$10 for each dog that is licensed.~~ Finally, the warrant must direct the police officer, constable, sheriff or animal control officer to enter summons and complaint as soon as possible for all owners or keepers so notified who fail to comply with the order.

See title page for effective date.

CHAPTER 137

S.P. 375 - L.D. 1076

An Act to Simplify the Process of Claiming Abandoned Vehicles

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 29-A MRSA §§1852 and 1854, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

§1852. Abandonment defined

For the purposes of this subchapter, a vehicle is considered "abandoned" if the owner or lienholder does not retrieve it and pay all reasonable charges for towing, storing and authorized repair of the vehicle within 14 days of publication as required by section 1854 or within 14 days of receipt of the notice required by section 1855 after the notice to the owner and lienholder are sent by the Secretary of State or 14 days after the advertisement is published as required in section 1854, subsection 4.

§1854. Notification of vehicle owner

1. Notification in writing. ~~If the owner or lienholder of a vehicle is unknown, the~~ The owner of the premises where the an abandoned vehicle is located shall inquire of notify the Secretary of State in writing whether the Secretary of State's records contain information as to the owner and lienholder, if any, of the vehicle that the owner is in possession of an abandoned vehicle. If only the lienholder is unknown, the inquiry required by this section may be made by

~~telephone and need only be confirmed in writing with the Secretary of State. The notification must be in writing and on a form provided by the Secretary of State.~~

2. Contents of notification. This ~~inquiry notification~~ notification must include the vehicle's make, model, year, body type, vehicle identification number and any registration and plates on the vehicle. This notification also must include the date the vehicle came into possession of the owner or person in charge of the premises where the vehicle is located, under what circumstances the vehicle came into that person's possession and whether the vehicle is salvage.

3. Response. On receipt of the ~~inquiry notification~~ notification, the Secretary of State shall ~~provide the holder of the vehicle with the name and address of the vehicle's owner and lienholder or shall state that no record of the vehicle is on file~~ inform the vehicle owner and lienholder, if any, by regular mail that the vehicle is being claimed under the abandoned vehicle law. The notice to the vehicle owner and lienholder, if any, must identify the vehicle by the year, make, model and vehicle identification number, give the name and address of the party claiming ownership, state the charges against the vehicle that the owner and lienholder, if any, must pay to retrieve the vehicle, and the date that the title or letter of ownership will pass to the new owner. A copy of this letter must be provided to the person claiming ownership.

4. Publication. If the Secretary of State finds no record of the vehicle, the owner of the premises where the vehicle is located shall publish a notice at ~~least twice~~ once in a newspaper of general circulation in the county where the premises is located. That notice must clearly:

- A. Describe the vehicle by the year, make, model and vehicle identification number;
- B. State that if the owner of the vehicle or lienholder has not properly retrieved it and paid all reasonable charges for its towing and storage and repair within 14 days from ~~date of last the~~ publication, ownership of the vehicle will pass to the owner of the premises where the vehicle is located; and
- C. State how the owner of the premises may be contacted.

Sec. 2. 29-A MRSA §1855, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. 3. 29-A MRSA §§1856 and 1857, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

§1856. Change of ownership

1. Evidence of compliance. A person who has complied with section 1854 ~~or 1855, subsection 4~~ shall present evidence of compliance to the Secretary of State immediately after the 14-day notice period. The Secretary of State may not issue a letter of ownership or certificate of title until at least 30 days after the date on which the person ~~first~~ who has possession of and control over the vehicle ~~notified the Secretary of State by complying with section 1854, subsections 1 and 2.~~

2. Issuance of certificate; letter of ownership. The Secretary of State, upon being satisfied that ~~the person has notified or has attempted to notify~~ notice has been made to all parties with an interest in the vehicle, may issue certificates of title or letters of ownership as follows.

A. For a vehicle not required to be titled, on presentation of sufficient evidence and payment of a \$5 fee, the Secretary of State may issue a letter of ownership to the owner of the premises on which the vehicle is located.

B. For vehicles subject to chapter 7, on presentation of sufficient evidence and application for certificate of title in accordance with section 654 and payment of a fee set forth in section 603, the Secretary of State may issue a certificate of title to the owner of the premises on which the vehicle is located.

If the owner or lienholder of the vehicle retrieves it and pays the towing, storage and repair charges before the Secretary of State issues a letter of ownership or certificate of title, the person holding the vehicle must immediately release it to the person paying the charges and must immediately notify the Secretary of State of the release.

A person who refuses to release a vehicle when reasonable charges are paid or does not notify the Secretary of State that the vehicle is no longer in the person's possession commits a Class E crime.

§1857. Limits

If the ~~inquiry~~ notification to the Secretary of State required by section 1854 ~~or the notice required by section 1855~~ is made more than 30 days after receipt of a vehicle described in section 1851, the person holding the vehicle may not collect more than 30 days of storage fees. Daily storage charges must be reasonable and total storage charges may not exceed \$600 for a 30-day period.

See title page for effective date.

CHAPTER 138**H.P. 882 - L.D. 1239****An Act to Clarify the Governance of
Soil and Water Conservation
Districts**

**Be it enacted by the People of the State of
Maine as follows:**

Sec. 1. 12 MRSA §101, as amended by PL 1969, c. 477, §1 and PL 1995, c. 532, §17, is repealed and the following enacted in its place:

**§101. Nominations, elections and appointments of
supervisors**

1. Elections of supervisors. The governing body of each district consists of a board of 5 supervisors. Three of the supervisors must be elected. Petitions may be filed to nominate candidates for election as supervisors of each district. When the district is first created, nominating petitions must be filed with, and the election must be conducted by, the department. After the creation of the district, nominating petitions must be filed with, and the election must be conducted by, each district. Nominating petitions must be subscribed by 25 or more registered voters residing within the district, as certified and sworn by the person submitting the petition and subject to such verification as the department or district may require. Registered voters may sign petitions to nominate more than one candidate for supervisor. The department or district shall give notice of the time for making nominations and the time and manner in which the election will occur. Registered voters residing within the district are eligible to vote in an election. When a district is first created, the 3 nominated candidates who receive the largest number of votes in the election are the elected supervisors of the district. Terms of elected supervisors are staggered, with the candidate receiving the largest number of votes initially elected to a 3-year term, the candidate receiving the 2nd largest number of votes initially elected to a 2-year term and the candidate receiving the 3rd largest number of votes initially elected to a one-year term. Thereafter, the term of office of each elected supervisor is 3 years. Following an election, the results must be published in a newspaper of general circulation in the district, and the names of those elected must be certified by the commissioner. The commissioner may adopt rules or prescribe procedures governing elections, which may include elections by mail or other procedures the commissioner finds to be fair and efficient. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.